

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES OF AMERICA)
)
)
v.) No. 1:20-cr-239
)
)
ALEXANDRA AMON KOTEY) Hon. T.S. Ellis, III
)
) Sentencing: April 29, 2022

**MOTION OF BARRY COBURN TO BE
EXCUSED FROM ATTENDING SENTENCING PROCEEDING
(REVISED VERSION)**

Undersigned counsel Barry Coburn, who has been appointed to represent Defendant Alexandra Kotey pursuant to the Criminal Justice Act, respectfully requests leave to be excused from attending the sentencing proceeding on Friday, April 29, 2022. Mr. Kotey continues to be represented by the Office of the Federal Public Defender. In addition, my partner, Marc Eisenstein, who has been substantively involved in this case from the time of my appointment, would attend as well. Grounds for this request are as follows:

Mr. Eisenstein and I represent Defendant Gongda Xue in a criminal trade secrets case, United States v. Xue, Case Number 2:18-cr-00122-JHS, which commenced trial before a jury on April 13, 2022 in the United States District Court for the Eastern District of Pennsylvania, before the Honorable Joel Slomsky. At the time this trial date was set, it was projected that the trial would last two weeks, which would have meant its termination today, Wednesday, April 27, 2022. The case has, however, taken longer than expected to try. The defense case commenced last Friday,

April 22, 2022, following denial of motions for judgment of acquittal. One defense witness now remains to testify. Given the need to elicit this additional testimony, and conduct a charging conference, closing arguments and a charge to the jury, there appears to me to be a significant chance that the case will continue into Friday, April 29, 2022.

I have been planning to attend and participate in Mr. Kotey's sentencing since the sentencing date was set. Another judge, the Honorable Reggie Walton in the United States District Court for the District of Columbia, specifically adjusted the start date of another trial so that I could do so. However, the Xue case is an ongoing trial before a jury and, if it continues through the week, it would appear to preclude my doing so. I regret this. I have excellent co-counsel in the Kotey case and my submission to the Court is that my absence on Friday, assuming the Xue trial has not yet concluded, would not in any way preclude Mr. Kotey from having highly competent representation at the sentencing proceeding. Further, my co-counsel have consulted with Mr. Kotey about this, who consents to proceed with his sentencing in my absence.

Accordingly, it is respectfully submitted that this motion should be granted.

Of course, should the Xue trial conclude on Thursday, April 28, 2022, then I will be at the Kotey sentencing.

Respectfully submitted,

ALEXANDRA AMON KOTEY

By counsel,

/s/ Barry Coburn

Barry Coburn, VSB No. 36907
Coburn & Greenbaum, PLLC
1710 Rhode Island Avenue, N.W.
Second Floor
Washington, DC 20036
Phone: (202) 643-9572
Fax: (866) 561-9712
barry@coburngreenbaum.com
marc@coburngreenbaum.com

CERTIFICATE OF SERVICE

I certify that on April 27, 2022, I will file the foregoing with the Clerk of the Court and will serve, through the Court's ECF system, true and correct copies on counsel of record.

/s/ Barry Coburn
